Supreme Court, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1975

No. 75-442

HONORABLE JOHN H. POELKER, Mayor of the City of St. Louis, et al.,
Petitioners,

vs.

JANE DOE, et al.,
Respondents.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

MOTION

For Leave to File a Brief Amici Curiae on Behalf of the Following Individuals, The Honorable James R. Butler, Councilman, Second District, a Political Subdivision of St. Louis County and the State of Missouri; Alan J. Bailey, M.S.W.; Ann O'Donnell, R.N., Chairman of the Eastern Region of Missouri Citizens for Life; Edward A. O'Donnell; William Murphy, M.S.W.; Dr. William Brennan, M.S.W., Ph.D.; George Ryan, M.S.W., A.C.S.W.; Edward Ratermann; Dr. George W. Knight, III; Robert E. Ratermann, Pro Se, Member of Lawyers for Life; Theodore J. Petersen; Joseph J. Heithaus III; Eleanor Heithaus; James D. Schonhorst; Dorothy Schonhorst; Ronald Merideth; Mary Jeanne Merideth; Barbara O'Mara; Nancy J. Dougherty; Kathy Begley; and Judith A. Cassilly and Organization, Social Workers for Life; in Support of Petitioners.

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Come now, Movants for leave to file a Brief Amici Curiae, the Honorable James R. Butler, Councilman, Second District, a Political Subdivision of St. Louis County and State of Missouri, certain named individuals (hereafter referred to as Moving-parties), all specifically as indicated in the preceding caption, and respectfully *Move For Leave to File A Brief Amici Curiae* in the above cause before this Court in that while Petitioners, the Honorable John H. Poelker, Mayor of the City of St.

Louis, Missouri, et al., have through counsel given consent thereto, Respondents, Jane Doe, et al., though requested to give their consent through their counselors, have not to date done so, and as grounds therefore state and advise as follows To Wit:

1. The opinion-judgment of April 14, 1975 as modified May 7, 1975 and June 2, 1975, the denial of the request of Petitioners for rehearing June 24, 1975 by the United States Court of Appeals for the Eighth Circuit in causes Numbered 74-1232 and 75-1069, the denial of their motion for stay of the mandate of the Court below pending application for Certiorari to this Court July 7, 1975, the mandate on July 8, 1975, the denial August 5, 1975 by the Honorable Harry A. Blackmun, Associate Justice, Circuit Justice for the Eighth Circuit, of Movants' (Petitioners herein) motion for stay of judgment and execution pending application to this Court for Certiorari to the United States Court of Appeals for the Eighth Circuit, the orders, judgment, decree and opinion of the United States District Court for the Eastern District of Missouri, Eastern Division, issued, Friday, August 8, 1975, the denial of Movants' (Petitioners herein) second motion for stay (similar to that directed to the Honorable Harry A. Blackmun) by the Honorable Lewis E. Powell, Jr., Associate Justice, August 26, 1975, *raises issues constitutional in nature at variance with and contrary to the First, Fifth, Ninth, Tenth and Fourteenth Amendments of the United States Constitution, and contrary to this Court's decisions in Roe v. Wade, 410 U.S. 113, and Doe v. Bolton, 410 U.S. 179 (1973)*; such issues are of the utmost gravity politically for the people of the United States of America presently and for the future if allowed to stand.

2. This is further so, for the reason that at the very minimum and specifically, this Court's decisions in *Roe v. Wade and Doe v. Bolton, supra,* are given by the Court below as the seminal precedent (see pages 13 through 16 of amended opinion of June 2, 1975 as per copy certified by the Clerk of the United States

Court of Appeals for the Eighth Circuit) for its opinion-judgment, decree, mandate and orders *stated in terms declaratory* but in intent and fashioning by any fair construction thereof *injunctive with respect to Petitioners.* These go far beyond said decisions of this Court, with consequences, we repeat of the utmost gravity politically for the people of the United States of America and for people and nations all over the world.

3. Because we do not believe that anywhere in the *Roe v. Wade and Doe v. Bolton, supra,* decisions, is there express authority for the requirement that publicly-financed hospitals must provide abortions on demand or non-therapeutic abortions (though such hospitals regularly perform therapeutic abortions for reasons of health immediately related to the threatened physical death of the mother), this Court should grant the Writ of Certiorari and the leave sought herein and thereby permit Moving-parties to elucidate this point in their brief as Amici Curiae.

4. The decision of the United States Court of Appeals for the Eighth Circuit in these causes and their inevitable nexus with the decisions of this Court in *Roe v. Wade* and *Doe v. Bolton, supra,* conflict in a grave way with our nation's aspirations in human relationships, particularly its time-honored fostering of the dignity and the sanctity of human life, the human individual and the human person within its borders and abroad. This is what the American Revolution, the Bill of Rights with addition of the Fourteenth Amendment and the Civil War are all about.

5. These decisions it is respectfully submitted, comport tragically with the Declarations on Human Rights of the United Nations and with the political traditions upon which our forebears founded, fashioned and molded these United States of America in their conception and growth to this very day.

6. The mandate of the United States Court of Appeals for the Eighth Circuit handed down July 8, 1975 is an unwarranted extension of this Court's decision in *Roe v. Wade* and *Doe v. Bolton, supra.*

The Eighth Circuit Court has, however, relied on this Court's opinions in the *Roe v. Wade* and *Doe v. Bolton, supra,* cases of 1973 for this extension, and therefore this Court should review the dangerous social and political consequences of its own opinions in these cases.

The course chosen by this Court in *Roe v. Wade* and *Doe v. Bolton, supra,* has charted a course of national suicide thereby, and without any precedent therefore, has used the Constitution and its Bill of Rights as added to by the Fourteenth Amendment as an engine of oppression against totally defenseless unborn children, whether or not these children can be proven to possess the full actualization of human life at some point of gestation. Modern genetics, embryology and other related science specialties testify to an ever-increasing knowledge of human life in its scientific origins and detailed components. These sciences which spell out the marvelous intricacy with which human life is conceived and implanted within a mother's womb, heighten man's moral responsibility to respect it, and the choice made by a male and female in procreating it. They are by their freely-chosen act made participants privy to their Creator's gift of new life as they themselves once were so generated by their parents in their mother's womb. So stating the event characterizes all that is best and ideal in the history of civilizations; this is what produced a Hippocrates and the Ephesian, Soranos in Greco-Roman antiquity, and the Scriptures from Genesis through Revelation reiterate on every page the reverence due human life. Christianity itself, contrary to the summations indicated in text and footnotes of the *Roe v. Wade* and *Doe v. Bolton, supra,* opinions, throughout its history documents a profound reverence for human life and imposes sanctions for its violation in stern terms (see the tracing of this history, *only as an example,* in the recent publication *Declaration on Abortion,* Sacred Congregation for the Doctrine of the Faith given November 18, 1974, Publication Office of the United States Catholic Conference, 1975, with notes pages 12, 13 and following).

Our political origins rooted as they are in the traditions of Western Civilization brought to these shores by the early settlers and immigrants from many European countries are recorded and remembered in our books, our schools, our churches, our synagogues, our homes and our shrines and were engraved in the hearts and minds of our founding fathers, among whom Thomas Jefferson stands out and who, out of gratitude, is memorialized on the nearby banks of the Potomac in the noble monument erected to the memory of this magnificent person and in which in the great dome are chiseled in stone and emblazened in letters of gold a tribute to this thought in his words, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." This honored Court has often in its decisions given life to the spirit of such men who fashioned our Constitution, our Bill of Rights, our Fourteenth Amendment, and we ask the question why it is not reasonable and proper to view them from their historical setting as applicable to the unborn child, to nascent human individual life intended by the Creator for the full protection accorded a defenseless person. This is our medical history. (See No. 75-174, in the Supreme Court of the United States, October term, 1975, Alan Ernest, Guardian for Unborn Children and pro se, Petitioner v. Andrew P. Miller, Attorney General of Virginia, Petition for a Writ of Certiorari to the Supreme Court of Virginia.) This is also our political, scientific, philosophical, Scriptural, religious and theological history. This is the history of God's chosen people to which we are all called.

Respectfully submitted,

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St. Louis, Missouri 63138

STATE OF MISSOURI }
CITY OF ST. LOUIS } ss.

Certificate of Service

I, Robert E. Ratermann, Attorney for Movants (herein referred to as Moving-parties, moving for leave to file an Amicus brief in support of Petitioners), being a member of the Bar of the Supreme Court of the United States, due hereby certify I have caused a true and correct copy of the foregoing motion, to be served upon Petitioners and Respondents they being all the parties of record by depositing such motion in a United States Post Office mailbox, with first-class postage prepaid addressed to Frank Susman, Esq., at his office of record, Pierre Laclede Center, 7733 Forsyth Blvd., Suite 1100, St. Louis County, Missouri 63105, Attorney for Respondents; Jack L. Koehr, City Counselor of the City of St. Louis, State of Missouri, and Eugene P. Freeman, Deputy City Counselor of the City of St. Louis, State of Missouri, Room 314, City Hall, 1200 Market Street, St. Louis, Missouri 63103, Attorneys for Petitioners, this 19th day of September, 1975.

Robert E. Ratermann
Attorney for Movants